

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

## SENATE ENROLLED ACT No. 455

AN ACT to amend the Indiana Code concerning state police, civil defense and military affairs.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 10-1-2.5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 9. It is the intent of this chapter to provide information and data with reference to the total criminal justice system that will be equally beneficial to all officers, agencies, and components of ~~said the~~ system so that each may better perform ~~his or its~~ **their** respective duties for the overall improvement of criminal justice. Rules ~~and regulations~~ adopted ~~pursuant to~~ **under** this chapter shall be drafted so as to express this intent. Any public official required by ~~said the~~ rules ~~and regulations~~ to report to the division who fails to comply with the requests of the superintendent for ~~such the~~ information or data, or with the governing records and systems and equipment and their maintenance may, at the discretion of the director of the criminal justice planning agency, be denied the benefits of the system until meeting minimum compliance with ~~said regulations; the rules.~~ An official who knowingly, **intentionally, or recklessly** makes a false return of information to the division commits a Class A misdemeanor.

SECTION 2. IC 10-2-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. The definitions appearing in this section shall apply to words in this article, unless otherwise apparent from the context and are subject to organization modification as



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adopted by regular army and regular air force troop structures which are incorporated in this article by reference:

**"Armory" means real property and facilities located on the real property that are used by the military or naval forces of the state for drill, meeting, training, and rendezvous purposes.**

"National guard" means the Indiana army national guard and the Indiana air national guard.

"Company", "troop", "battery", "squadron", "battalion", "air-group", "regiment", "battle group", "wing", and "division", where referred to in this article, shall have the same meaning as comparably used in the national military establishment.

"Commanding officer" denotes a company, troop, battery, squadron, battalion, air-group, regiment, battle group, wing, or division commander.

"Court martial" means a military or naval court of justice for the trial of cases within the jurisdiction of the armed forces of the state of Indiana, as provided for in this article.

"Federally recognized national guard" denotes that portion of the Indiana national guard which has met all the requirements for, and has been recognized by, the national military establishment as a part of the reserve components of the armed forces of the United States.

"General orders" shall mean the official instructions issued by the military department of Indiana for the information and guidance of all concerned.

"Headquarters" shall mean the office of the appropriate commander.

"National guard" may apply to the national guard of Indiana or the national guard of the United States according to the tenor of the appropriate section.

"Officer" shall mean commissioned officer, including warrant officer, in the armed forces of the state of Indiana.

"Organization", where used in this article, may mean unit or command.

"Regulations" shall mean the official rules of the appropriate department.

"State and federal property" shall mean state property, real or personal, owned by the state of Indiana or federal property owned by the federal government and consigned to the state of Indiana for use in its armed forces.

"Unit" where used in this article applies to military complements of a company, detachment, troop, battery, or any larger command organization.

SECTION 3. IC 10-2-3-1 IS AMENDED TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2003]: Sec. 1. Pursuant to article 12, section 1 of the constitution of Indiana, the militia ~~shall consist~~ **consists** of all ~~able-bodied male~~ persons ~~between the ages of at least~~ eighteen (18) and forty-five (45) years **of age** except ~~such as may be those persons who are~~ exempted by the laws of the United States or of this state. ~~and said~~ **The** militia shall be divided into two (2) classes.

SECTION 4. IC 10-2-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. **(a)** On days of military duty the national guard, called out by proper authority, and performing military duty, shall be considered to be under military discipline. ~~and no~~ **An** officer or enlisted person ~~shall~~ **may not** be subject to be arrested on any civil process during the time aforesaid.

**(b) For purposes of this section:**

- (1) an attachment for contempt for failure to obey the command of a subpoena to testify is a civil process; and**
- (2) a citation for a traffic violation is not a civil process.**

SECTION 5. IC 10-2-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. (a) Fines may be collected in the following manner:

- (1) By the retention of any pay or allowances due or to become due from the state. ~~of the United States.~~
- (2) By commitment to a jail designated by the reviewing authority until such fine shall have been paid, or until one (1) day shall have been served for each one dollar (\$1) of the fine imposed.
- (3) By payment to the treasurer of the county, who shall then forthwith transmit said sum to the treasurer of state. The treasurer of state shall then quarterly pay such sums to the armory board of the state of Indiana, and such sums are hereby appropriated continuously for the purposes of IC 10-2-2-16.5. It shall be sufficient to record upon the payroll opposite the name of the person fined a notation of the sentence of the court-martial and the date of approval of the sentence, together with the name and rank of the reviewing authority.

(b) Sentence of imprisonment imposed by the courts-martial during active service or at camps of instruction shall be carried out by confinement in a guardhouse, tent, or other places designated by the reviewing authority. Sentence of imprisonment imposed by courts-martial upon persons not in active service or at camps of instruction shall be carried out by confinement in a jail to be designated by the reviewing authority.

SECTION 6. IC 10-4-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 9. (a) The director of each local



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organization for emergency management may develop or cause to be developed mutual aid arrangements with other public and private agencies within this state for reciprocal emergency management aid and assistance in case of disaster too great to be dealt with unassisted. Such arrangements shall be consistent with the state emergency management program and state emergency operations plan. In time of emergency it shall be the duty of each local organization for emergency management and the department to render assistance in accordance with the provisions of such mutual aid arrangements.

(b) The director of each local organization for emergency management and disaster may assist in negotiation of reciprocal mutual aid agreements between the governor and the adjoining state or its political subdivisions and shall carry out arrangements or any such agreement relating to the local and political subdivision.

(c) This subsection applies when the governor finds that two (2) or more adjoining counties would be better served by an interjurisdictional arrangement than by maintaining separate disaster agencies and services. The governor may, with the concurrence of the affected counties, delineate by executive order or regulation an interjurisdictional area adequate to plan for, prevent, or respond to disaster in that area, and direct steps to be taken as necessary, including the creation of an interjurisdictional relationship, a joint emergency operations plan, mutual aid, or an area organization for emergency management planning and services. A finding of the governor under this subsection must be based on one (1) or more factors related to the difficulty of maintaining an efficient and effective disaster prevention, preparedness, response, and recovery system on an unijurisdictional basis, such as the following:

- (1) Small or sparse population.
- (2) Limitations on public financial resources severe enough to make maintenance of a separate disaster agency and services unreasonably burdensome.
- (3) Unusual vulnerability to disaster as evidenced by a past history of disaster, topographical features, drainage characteristics, disaster potential, and presence of disaster prone facilities or operations.
- (4) The interrelated character of the counties in a multicounty area.
- (5) Other relevant conditions or circumstances.

(d) If the governor finds that a vulnerable area lies only partly within this state and includes territory in another state or states and that it would be desirable to establish an interstate relationship, mutual aid,

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or an area organization for disaster, the governor shall take steps to that end as are desirable. If action under this subsection is taken with jurisdictions that have enacted the ~~interstate~~ emergency management **and disaster assistance** compact, any resulting agreement or agreements may be considered supplemental agreements pursuant to article ~~6~~ **7** of that compact.

(e) If the other jurisdiction or jurisdictions with which the governor proposes to cooperate pursuant to subsection (d) have not enacted the ~~interstate~~ emergency management **and disaster assistance** compact, the governor may negotiate special agreements with the jurisdiction or jurisdictions. Any agreement, if sufficient authority for its making does not otherwise exist, becomes effective only after its text has been communicated to the legislature and so long as no house of the legislature has disapproved the agreement either by the adjournment of the next ensuing session which is competent to consider the agreement or within thirty (30) days of submission of the agreement, whichever is longer.

SECTION 7. IC 10-4-1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 10. (a) Each political subdivision within this state shall be within the jurisdiction of and served by a department of emergency management or by an interjurisdictional agency responsible for disaster preparedness and coordination of response.

(b) Each county shall maintain a county emergency management advisory council and a county emergency management organization or participate in an interjurisdictional disaster agency which, except as otherwise provided under this chapter, may have jurisdiction over and serve the entire county.

~~(c) In whatever county in this state a county emergency management advisory council does not exist by March 6, 1951, it is directed that a county emergency management advisory council be organized under the temporary chairmanship of the executive of the county seat, with the assistance of all other city and town executives in the county, the president of the county fiscal body, and the president of the county executive.~~

~~(d)~~ (c) The county emergency management advisory council shall consist of the following individuals or their designees:

(1) The president of the county executive **or, if the county executive does not have a president, a member of the county executive appointed from the membership of the county executive.**

(2) The president of the county fiscal body.



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- (3) The mayor of each city located in the county.
- (4) An individual representing the legislative bodies of all towns located within the county.
- (5) Representatives of ~~such~~ private and public agencies or organizations which can be of assistance to emergency management as the organizing group considers appropriate, or as may be added later by the county emergency management advisory council.
- (6) One (1) commander of a local civil air patrol unit in the county or the commander's designee.

~~(e) Upon the organization of the county emergency management advisory council and the selection of a chairman from its membership, the organizing group shall be dissolved.~~

~~(f)~~ **(d)** The county emergency management advisory council shall exercise general supervision and control over the emergency management and disaster program of the county and shall select or cause to be selected, with the approval of the county executive, a county emergency management and disaster director who shall have direct responsibility for the organization, administration, and operation of the emergency management program in the county and shall be responsible to the chairman of the county emergency management advisory council.

~~(g)~~ **(e)** Any provision of this chapter or other law to the contrary notwithstanding, the governor may require a political subdivision to establish and maintain a disaster agency jointly with one (1) or more contiguous political subdivisions with the concurrence of the affected political divisions if ~~he~~ **the governor** finds that the establishment and maintenance of an agency or participation in one is made necessary by circumstances or conditions that make it unusually difficult to provide disaster prevention, preparedness, response, or recovery services under other provisions of this chapter.

~~(h)~~ **(f)** Each political subdivision ~~which that~~ does not have a disaster agency and has not made arrangements to secure or participate in the services of an agency shall have an emergency management director designated to facilitate the cooperation and protection of that subdivision in the work of disaster prevention, preparedness, response, and recovery.

~~(i)~~ **(g)** The county emergency management and disaster director and personnel of the department may be provided with appropriate office space, furniture, vehicles, communications, equipment, supplies, stationery, and printing in the same manner as provided for personnel of other county agencies.

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(h) Each local or interjurisdictional agency shall prepare and keep current a local or interjurisdictional disaster emergency plan for its area.

(i) The local or interjurisdictional disaster agency, as the case may be, shall prepare and distribute to all appropriate officials in written form a clear and complete statement of the emergency responsibilities of all local agencies and officials and of the disaster chain of command.

(j) Each political subdivision may:

- (1) appropriate and expend funds, make contracts, obtain and distribute equipment, materials, and supplies for emergency management and disaster purposes; provide for the health and safety of persons and property, including emergency assistance to the victims of any disaster resulting from enemy attack; provide for a comprehensive insurance program for its emergency management volunteers; and direct and coordinate the development of an emergency management program and emergency operations plan in accordance with the policies and plans set by the federal civil defense agency and the state emergency management agency;
- (2) appoint, employ, remove, or provide, with or without compensation, rescue teams, auxiliary fire and police personnel, and other emergency management and disaster workers;
- (3) establish a primary and one (1) or more secondary control centers to serve as command posts during an emergency;
- (4) subject to the order of the governor or the chief executive of the political subdivision, assign and make available for duty the employees, property, or equipment of the subdivision relating to fire fighting, engineering, rescue, health, medical and related services, police, transportation, construction, and similar items or services for emergency management and disaster purposes and within or outside of the physical limits of the subdivision; and
- (5) in the event of a national security emergency or state of emergency as provided in section 7 of this chapter, waive procedures and formalities otherwise required by law pertaining to the performance of public work, the entering into of contracts, the incurring of obligations, the employment of permanent and temporary workers, the utilization of volunteer workers, the rental of equipment, the purchase and distribution of supplies, materials, and facilities, and the appropriation and expenditure of public funds.

SECTION 8. IC 10-4-1-21 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 21. A person who **knowingly, intentionally, or recklessly** violates this chapter commits a Class B misdemeanor.

SECTION 9. IC 10-9-2-3, AS ADDED BY P.L.178-1999, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. (a) A quorum consists of eight (8) of the voting members of the foundation described in section 2(b)(2) through 2(b)(6) of this chapter.

(b) One (1) of the following is necessary for the foundation to take action:

(1) An affirmative vote by at least ~~a majority of the quorum~~: **eight (8) of the fifteen (15) voting members.**

(2) A tie vote broken by the executive director.

SECTION 10. IC 10-13-2-12, AS ADDED BY SEA 257-2003, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 12. (a) It is the intent of the general assembly in enacting this chapter to provide information and data with reference to the total criminal justice system that will be equally beneficial to all officers, agencies, and components of the criminal justice system to better perform their respective duties for the overall improvement of criminal justice. Rules adopted under this chapter shall be drafted to express this intent.

(b) If a public official:

(1) is required by the rules to report to the division; and

(2) fails to comply with:

(A) the requests of the superintendent for information or data;  
or

(B) the rules governing records and systems and equipment and their maintenance;

the director of the criminal justice planning agency may deny the public official the benefits of the system until the public official complies with the rules.

(c) An official who knowingly, **intentionally, or recklessly** makes a false return of information to the division commits a Class A misdemeanor.

SECTION 11. IC 10-14-3-16, AS ADDED BY SEA 257-2003, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 16. (a) The director of a local organization for emergency management may develop or cause to be developed mutual aid arrangements with other public and private agencies within Indiana for reciprocal emergency management aid and assistance in case of disaster too great to be dealt with unassisted. An arrangement must be





consistent with the state emergency management program and state emergency operations plan. During an emergency, a local organization for emergency management and the agency shall render assistance in accordance with the provisions of the mutual aid arrangement.

(b) The director of a local organization for emergency management and disaster:

- (1) may assist in the negotiation of reciprocal mutual aid agreements between the governor and the adjoining state or the state's political subdivisions; and
- (2) shall carry out arrangements or any agreement relating to the local and political subdivision.

(c) This subsection applies when the governor finds that two (2) or more adjoining counties would be better served by an interjurisdictional arrangement than by maintaining separate disaster agencies and services. The governor may, with the concurrence of the affected counties, delineate by executive order or regulation an interjurisdictional area adequate to plan for, prevent, or respond to disaster in that area, and direct steps to be taken as necessary, including the creation of an interjurisdictional relationship, a joint emergency operations plan, mutual aid, or an area organization for emergency management planning and services. A finding of the governor under this subsection must be based on one (1) or more factors related to the difficulty of maintaining an efficient and effective disaster prevention, preparedness, response, and recovery system on a unijurisdictional basis, including the following factors:

- (1) Small or sparse population.
- (2) Limitations on public financial resources severe enough to make maintenance of a separate disaster agency and services unreasonably burdensome.
- (3) Unusual vulnerability to disaster as evidenced by a history of disaster, topographical features, drainage characteristics, disaster potential, and presence of disaster prone facilities or operations.
- (4) The interrelated character of the counties in a multicounty area.
- (5) Other relevant conditions or circumstances.

(d) If the governor finds that:

- (1) a vulnerable area lies partly in Indiana and includes territory in another state or states; and
- (2) it would be desirable to establish an interstate relationship, mutual aid, or an area organization for disaster;

the governor shall take steps to establish an interstate relationship. If action under this subsection is taken with jurisdictions that have

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enacted the ~~interstate~~ emergency management ~~and disaster assistance~~ compact, any resulting agreement or agreements may be considered supplemental agreements under article ~~6~~ 7 of the compact.

(e) If the other jurisdiction or jurisdictions with which the governor proposes to cooperate under subsection (d) have not enacted the ~~interstate~~ emergency management ~~and disaster assistance~~ compact, the governor may negotiate special agreements with the jurisdiction or jurisdictions. An agreement, if sufficient authority for making the agreement does not otherwise exist, becomes effective only:

- (1) after the agreement's text has been communicated to the general assembly; and
- (2) if a house of the general assembly does not disapprove of the agreement by the later of:
  - (A) the date of adjournment of the next ensuing session that is competent to consider the agreement; or
  - (B) not more than thirty (30) days after the date of the submission of the agreement.

SECTION 12. IC 10-14-3-17, AS ADDED BY SEA 257-2003, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 17. (a) A political subdivision is:

- (1) within the jurisdiction of; and
- (2) served by;

a department of emergency management or by an interjurisdictional agency responsible for disaster preparedness and coordination of response.

(b) A county shall:

- (1) maintain a county emergency management advisory council and a county emergency management organization; or
- (2) participate in an interjurisdictional disaster agency that, except as otherwise provided under this chapter, may have jurisdiction over and serve the entire county.

(c) The county emergency management advisory council consists of the following individuals or their designees:

- (1) The president of the county executive **or, if the county executive does not have a president, a member of the county executive appointed from the membership of the county executive.**
- (2) The president of the county fiscal body.
- (3) The mayor of each city located in the county.
- (4) An individual representing the legislative bodies of all towns located in the county.
- (5) Representatives of private and public agencies or



organizations that can assist emergency management considered appropriate by the county emergency management advisory council.

(6) One (1) commander of a local civil air patrol unit in the county or the commander's designee.

(d) The county emergency management advisory council shall do the following:

(1) Exercise general supervision and control over the emergency management and disaster program of the county.

(2) Select or cause to be selected, with the approval of the county executive, a county emergency management and disaster director who:

(A) has direct responsibility for the organization, administration, and operation of the emergency management program in the county; and

(B) is responsible to the chairman of the county emergency management advisory council.

(e) Notwithstanding any provision of this chapter or other law to the contrary, the governor may require a political subdivision to establish and maintain a disaster agency jointly with one (1) or more contiguous political subdivisions with the concurrence of the affected political divisions if the governor finds that the establishment and maintenance of an agency or participation in one (1) is necessary by circumstances or conditions that make it unusually difficult to provide:

- (1) disaster prevention;
- (2) preparedness;
- (3) response; or
- (4) recovery services;

under this chapter.

(f) A political subdivision that does not have a disaster agency and has not made arrangements to secure or participate in the services of an agency shall have an emergency management director designated to facilitate the cooperation and protection of that political subdivision in the work of:

- (1) disaster prevention;
- (2) preparedness;
- (3) response; and
- (4) recovery.

(g) The county emergency management and disaster director and personnel of the department may be provided with appropriate:

- (1) office space;
- (2) furniture;

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- (3) vehicles;
- (4) communications;
- (5) equipment;
- (6) supplies;
- (7) stationery; and
- (8) printing;

in the same manner as provided for personnel of other county agencies.

(h) Each local or interjurisdictional agency shall:

- (1) prepare; and
- (2) keep current;

a local or interjurisdictional disaster emergency plan for its area.

(i) The local or interjurisdictional disaster agency shall prepare and distribute to all appropriate officials a clear and complete written statement of:

- (1) the emergency responsibilities of all local agencies and officials; and
- (2) the disaster chain of command.

(j) Each political subdivision may:

- (1) appropriate and expend funds, make contracts, obtain and distribute equipment, materials, and supplies for emergency management and disaster purposes, provide for the health and safety of persons and property, including emergency assistance to the victims of a disaster resulting from enemy attack, provide for a comprehensive insurance program for its emergency management volunteers, and direct and coordinate the development of an emergency management program and emergency operations plan in accordance with the policies and plans set by the federal emergency management agency and the state emergency management agency;
- (2) appoint, employ, remove, or provide, with or without compensation:

- (A) rescue teams;
- (B) auxiliary fire and police personnel; and
- (C) other emergency management and disaster workers;

(3) establish:

- (A) a primary; and
- (B) one (1) or more secondary;

control centers to serve as command posts during an emergency;

(4) subject to the order of the governor or the chief executive of the political subdivision, assign and make available for duty the employees, property, or equipment of the political subdivision relating to:

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- (A) firefighting;
- (B) engineering;
- (C) rescue;
- (D) health, medical, and related services;
- (E) police;
- (F) transportation;
- (G) construction; and
- (H) similar items or services;

for emergency management and disaster purposes within or outside the physical limits of the political subdivision; and

(5) in the event of a national security emergency or disaster emergency as provided in section 12 of this chapter, waive procedures and formalities otherwise required by law pertaining to:

- (A) the performance of public work;
- (B) the entering into of contracts;
- (C) the incurring of obligations;
- (D) the employment of permanent and temporary workers;
- (E) the use of volunteer workers;
- (F) the rental of equipment;
- (G) the purchase and distribution of supplies, materials, and facilities; and
- (H) the appropriation and expenditure of public funds.

SECTION 13. IC 10-14-3-34, AS ADDED BY SEA 257-2003, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 34. A person who **knowingly, intentionally, or recklessly** violates this chapter commits a Class B misdemeanor.

SECTION 14. IC 10-14-4-12, AS ADDED BY SEA 257-2003, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 12. A person who **knowingly, intentionally, or recklessly** violates this chapter commits a Class B misdemeanor.

SECTION 15. IC 10-15-2-3, AS ADDED BY SEA 257-2003, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. (a) A quorum consists of eight (8) of the voting members of the foundation described in section 2(b)(2) through 2(b)(6) of this chapter.

(b) One (1) of the following is necessary for the foundation to take action:

- (1) An affirmative vote by at least ~~a majority of the quorum~~ **eight (8) of the fifteen (15) members**.
- (2) A tie vote broken by the executive director.

SECTION 16. IC 10-16-1-2.5 IS ADDED TO THE INDIANA



CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 2.5. "Armory" means real property and facilities located on the real property that are used by the military or naval forces of the state for drill, meeting, training, and rendezvous purposes.**

SECTION 17. IC 10-16-6-1, AS ADDED BY SEA 257-2003, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. Under Article 12, Section 1 of the Constitution of the State of Indiana, the militia consists of all ~~able-bodied males~~ **persons** who are

(1) at least eighteen (18) years of age ~~and~~

(2) ~~less than forty-six (46) years of age;~~

except those persons who are exempted by the laws of the United States or of Indiana.

SECTION 18. IC 10-16-7-8, AS ADDED BY SEA 257-2003, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 8. **(a)** On days of military duty, the Indiana national guard, called out by proper authority and performing military duty, is considered to be under military discipline. An officer or enlisted person is not subject to arrest on any civil process during this time.

**(b) For purposes of this section:**

**(1) an attachment for contempt for failure to obey the command of a subpoena to testify is a civil process; and**

**(2) a citation for a traffic violation is not a civil process.**

SECTION 19. IC 10-16-9-3, AS ADDED BY SEA 257-2003, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. (a) Fines may be collected in the following manner:

(1) By the retention of any pay or allowances due or to become due from the state. ~~or the United States.~~

(2) By commitment to a jail designated by the reviewing authority until the fine is paid or until one (1) day is served for each one dollar (\$1) of the fine imposed.

(3) By payment to the county treasurer. The county treasurer shall immediately transmit the payment to the treasurer of state. The treasurer of state shall quarterly pay the sums to the armory board, and the sums are appropriated continuously for the purposes of IC 10-16-3-11. It is sufficient to record upon the payroll opposite the name of the person fined a notation of the sentence of the court-martial and the date of approval of the sentence, together with the name and rank of the reviewing authority.

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(b) A sentence of imprisonment imposed by a court-martial during active service or at camps of instruction shall be carried out by confinement in a guardhouse, tent, or other places designated by the reviewing authority. A sentence of imprisonment imposed by court-martial upon persons not in active service or at camps of instruction shall be carried out by confinement in a jail to be designated by the reviewing authority.

SECTION 20. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2003]: IC 10-4-3; IC 10-14-7; IC 34-30-2-38.3.

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President of the Senate

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President Pro Tempore

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Speaker of the House of Representatives

Approved: \_\_\_\_\_

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Governor of the State of Indiana

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